

ESTTA Tracking number: **ESTTA602884**Filing date: **05/07/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Adecco S.A.
Granted to Date of previous extension	05/07/2014
Address	Route de Bonmont 31 ChÃ©serex, CH-1275 SWITZERLAND
Attorney information	P. Jay Hines Muncy, Geissler, Olds & Lowe, P.C. 4000 Legato Road Suite 310 Fairfax, VA 22033 UNITED STATES mailroom@mg-ip.com Phone:703-621-7140

Applicant Information

Application No	86036977	Publication date	01/07/2014
Opposition Filing Date	05/07/2014	Opposition Period Ends	05/07/2014
Applicant	Berson, Aleksander 3154 Greenwood Avenue Highland Park, IL 60035 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Business management consulting

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3366060	Application Date	08/18/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	ADECCO. BETTER WORK, BETTER LIFE		

Design Mark	ADECCO. BETTER WORK, BETTER LIFE
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 COMPUTER SOFTWARE FOR USE IN DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR THE AUTOMATION OF BUSINESS OPERATIONS, INCLUDING PROJECT MANAGEMENT, PERSONNEL MANAGEMENT, PRESENCE MONITORING, ACQUISITIONS, PREPARATION OF EXPENSES REPORTS, MANAGEMENT OF EXTERNAL DEPARTMENTS AND SALES DEPARTMENTS, CUSTOMER SERVICE, PREPARATION OF FINANCIAL REPORTS, ORDER BILLING, PROCUREMENT OF SUPPLIES, MARKETING AND SALES FORECASTS; COMPUTER SOFTWARE FOR USE IN PAYROLL AND ACCOUNTING DATABASE MANAGEMENT</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 EMPLOYMENT AGENCY SERVICES FOR PART-TIME AND PERMANENT STAFF; CONSULTING IN PERSONNEL MANAGEMENT; SELECTION, RECRUITMENT AND PLACEMENT OF TEMPORARY, CASUAL AND PERMANENT PERSONNEL; REPLACEMENT OF EMPLOYEES BY PLACEMENT OF PERSONNEL; MANAGEMENT CONSULTING IN THE BUSINESS ORGANIZATION AND BUSINESS MANAGEMENT FIELD, EXCLUDING FRANCHISING; PROVIDING INFORMATION, INCLUDING ONLINE, IN THE FIELD OF BUSINESS MANAGEMENT, EXCLUDING FRANCHISING; EMPLOYMENT AGENCY SERVICES, NAMELY PROVIDING AN ONLINE SEARCHABLE DATABASE FEATURING EMPLOYMENT ADVERTISEMENT LISTINGS AND EMPLOYMENT OPPORTUNITY DESCRIPTIONS; OUTSOURCING SERVICES IN THE NATURE OF BUSINESS ASSISTANCE, NAMELY OUTSOURCING SERVICES IN THE FIELDS OF INFORMATION TECHNOLOGY, AND SERVICES OF ENGINEERS AND FINANCE; PROVIDING STATISTICAL INFORMATION FOR BUSINESS PURPOSES; MARKET STUDIES; PAYROLL ACCOUNTING AND PAYROLL BILLING FOR THIRD PARTIES AS WELL AS RELATED CONSULTING SERVICES; DATABASE MANAGEMENT BY MEANS OF COMPUTERS; BUSINESS MANAGEMENT AND ORGANIZATION CONSULTING, EXCLUDING FRANCHISING; CONSULTING IN BUSINESS RELOCATION, CARRYING OUT PERSONNEL PSYCHOLOGICAL ATTITUDE AND BEHAVIOR TESTING FOR PLACEMENT BUREAUS AND FOR PERSONNEL EVALUATIONS; CARRYING OUT PERSONNEL PSYCHOLOGICAL APTITUDE TESTING FOR INDIVIDUALS IN THE FIELDS OF OFFICE MANAGEMENT, SECRETARIAL WORK, WORD PROCESSING, DATA ENTRY, INFORMATION SYSTEMS MANAGEMENT, INDUSTRY AND TECHNOLOGY FOR PLACEMENT BUREAUS AND FOR PERSONNEL EVALUATION</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 RUNNING WORKSHOPS AND PERSONALIZED SEMINARS, INCLUDING ONLINE, IN THE FIELD OF TECHNIQUES FOR PERSONS LOOKING FOR WORK, NETWORKING, CAREER MANAGEMENT, BUSINESS MANAGEMENT AND MANAGER COACHING; EDUCATIONAL SERVICES, NAMELY, RUNNING TRAINING PROGRAMS IN THE FIELDS OF OFFICE EQUIPMENT AND MANAGEMENT, SECRETARIAL WORK, WORD PROCESSING, DATA ENTRY, AND INFORMATION SYSTEMS MANAGEMENT</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 COMPUTER AND COMPUTER PROGRAMMING CONSULTING, COMPUTER PROGRAMMING FOR THIRD PARTIES, DESIGN AND DEVELOPMENT OF COMPUTERS AND SOFTWARE FOR OTHERS, ALL THE SERVICES EXCLUSIVELY IN RELATION TO HUMAN RESOURCE SERVICES; SERVICES OF ENGINEERS; NAMELY, ENGINEERING SERVICES FOR BUILDING AND PROPERTY CONDITION ASSESSMENT, FACILITY MANAGEMENT, CON-</p>

	STRUCTION, REPAIR AND RESTORATION, BUILDING INSTRUMENTATION- AND MONITORING, AND ENVIRONMENTAL CONSULTING
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BETTER WORK, BETTER LIFE		
Goods/Services	A wide variety of business, employer and human resource goods and services, including consulting in personnel management; management consulting in the business organization and business management field, excluding franchising,; providing information, including online, in the field of business management, excluding franchising and running workshops and personalized seminars, including online, in the field of techniques for persons looking for work, networking, career management, business management and manager coaching.		

Attachments	79030176#TMSN.jpeg(bytes) Berson Notice of Opposition.pdf(313628 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/pjh/
Name	P. Jay Hines
Date	05/07/2014

Adecco S.A.)	
)	
)	Opposition No.:
Opposer,)	
)	Application No.: 86036977
v.)	Mark: BETTER BUSINESS. BETTER LIFE.
)	
)	
Aleksander Berson)	
)	
Applicant.)	
)	

Adecco S.A., a joint stock company duly organized and existing under the laws of Switzerland, having its corporate address and a principal place of business at Route de Bonmont 31, 1275 Chésereux, Switzerland (hereinafter “Opposer”), believing that it will be damaged by the registration, hereby opposes application Serial Nos. 86036977 for the mark BETTER BUSINESS. BETTER LIFE. filed under the Trademark Act of 1946 in the name of Aleksander Berson (hereinafter “Applicant”) on August 13, 2013 and published for opposition in the Official Gazettes of January 7, 2014.

1. The Opposer, Adecco S. A., is a joint stock company duly organized and existing under the laws of Switzerland, having its corporate address and a principal place of business at Route de Bonmont 31, 1275 Chésereux, Switzerland.

2. Commencing long prior to Applicant's date of filing, Opposer has engaged in, and is now

engaged in, the rendering, distribution, sale, advertising and promotion in interstate commerce of a wide variety of business, employer and human resource goods and services, including consulting in personnel management; management consulting in the business organization and business management field, excluding franchising,; providing information, including online, in the field of business management, excluding franchising and running workshops and personalized seminars, including online, in the field of techniques for persons looking for work, networking, career management, business management and manager coaching.

3. Commencing long prior to Applicant's claimed dates of first use, Opposer has used, and is now using Opposer's ADECCO. BETTER WORK, BETTER LIFE mark and Opposer's BETTER WORK, BETTER LIFE mark (hereinafter sometimes referred to as "Opposer's Marks" or "Marks") in connection with the goods and services outlined in Paragraph 2 in commerce.

4. Opposer is the owner of, and will rely herein, upon the following Federal trademark registration covering goods and services in International Classes 9, 35, 41 and 42 and the common law rights afforded by use thereof:

<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>ISSUED</u>
ADECCO. BETTER WORK, BETTER LIFE	3366060	January 8, 2008

A copy of the listed Registration is attached hereto as Exhibit 1. Said registered mark of Opposer is in full force and effect on the Principal Register and operates as conclusive evidence of Opposer's ownership of said mark and its exclusive right to use the same in commerce throughout the United States.

5. Opposer also relies on common law rights in both of Opposer's Marks based on long-standing use in commerce dating from at least as early as April 10, 2006. The mark BETTER WORK, BETTER LIFE stands on its own in presentation and commercial impression.

6. Since its initial use of the aforementioned Marks, Opposer has made a substantial investment in promoting its services under its Marks. Opposer has extensively used, promoted and offered Opposer's services in connection with Opposer's Marks to the public through various channels of trade in commerce, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's Marks and associate same with Opposer and/or services rendered by

Opposer. Opposer has built extensive goodwill in connection with the provision of its services under its Marks.

7. Upon information and belief, notwithstanding Opposer's rights in and to its Marks, on August 13, 2013, Applicant filed an application for registration of the alleged trademark BETTER BUSINESS. BETTER LIFE. for: "business management consulting," in International Class 35. Said application was assigned Serial No. 86036977 and was published for Opposition in the Official Gazette of January 7, 2014.

8. Applicant's mark so resembles Opposer's Marks as to be likely, when used in connection with the goods of Applicant, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

9. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's services marketed under Applicant's alleged mark and misled into believing that such goods are produced by, emanate from, or are otherwise in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

COUNT II –DILUTION

Opposer herein repeats and realleges paragraphs 1 through 9 above.

10. By virtue of the long use of Opposer's Marks and the high quality of services rendered under the Marks, the Marks have achieved the status of famous marks since 2010, a date preceding the filing of Applicant's application, and a date prior to the earliest date that Applicant can assert for its mark.

11. Opposer is the world's leading provider of Human Resource solutions with over 400 career centers in the United States alone, serving all key industries and professions. ADECCO is Opposer's world house mark and the slogan BETTER WORK, BETTER LIFE is Opposer's worldwide mark under which it provides all of its goods and services.

12. Opposer's ADECCO. BETTER WORK, BETTER LIFE Mark is registered on the

Principal Register, demonstrating its distinctiveness.

13. Opposer has been using its well-known ADECCO. BETTER WORK, BETTER LIFE mark in connection with its goods and services since at least as early as April 10, 2006 in the United States.

14. On the actual filing date of its application, Applicant had constructive notice of Opposer's ownership of Opposer's Marks and had knowledge, or upon reasonable inquiry would have had knowledge and therefore had constructive knowledge, if not actual knowledge, of the fame of Opposer's Mark in connection with its services.

15. The use and registration of the BETTER BUSINESS. BETTER LIFE. mark by Applicant trades off of the good will and reputation established by Opposer in its Mark and is likely to cause confusion, mistake or deception among members of the purchasing public concerning the origin, affiliation, association or authorization for the advertising and offering for sale of the goods identified in the application.

16. The use and registration of BETTER BUSINESS. BETTER LIFE. mark of Applicant would dilute by blurring the distinctive quality of Opposer's Marks and would be in derogation of Opposer's right to preserve its Marks from dilution, as expressed in Section 43(c)(1) of the Trademark Act.

17. Opposer, upon information and belief, avers that it will be damaged by the continued use and registration by Applicant of the alleged mark, as set forth in Applicant's Trademark Application Serial No. 86036977 in that the mark is highly similar to Opposer's Marks and common law rights and will be used in connection with services related to the goods and services offered to the public by Opposer, which will dilute Opposer's good will and reputation.

WHEREFORE, this Opposer, Adecco S.A., believes and avers that it is being and will continue to be damaged by registration of Applicant's mark as aforesaid, and prays that said Application Serial No. 86036977 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer has appointed P. Jay Hines, a member of the law firm of Muncy, Geissler, Olds & Lowe, P.C., and member of the Bar of the state of Virginia and the District of Columbia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

P. Jay Hines
Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, VA 22033
Tel: 703-621-7140
Fax: 703-621-7155

The filing fee of \$300.00 for this opposition is being paid online by credit card. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Opposer's Deposit Account No. 503828.

Respectfully submitted,

ADECCO S.A.

Date: May 7, 2014

By: 

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C.
4000 Legato Road, Suite 310
Fairfax, VA 22033
Tel: 703-621-7140
Fax: 703-621-7155
jh@mg-ip/com

CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that the foregoing NOTICE OF OPPOSITION is being electronically filed with:

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313

and that the foregoing NOTICE OF OPPOSITION is being sent via first class mail to:

Aleksander Berson

3154 Greenwood Avenue

Highland Park, Illinois 60035-1242

This 7th day of May, 2014.

A handwritten signature in black ink, appearing to read "P. Jay Hines", is written over a horizontal line.

P. Jay Hines

Exhibit 1

Int. Cls.: 9, 35, 41 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102 and 107

United States Patent and Trademark Office

Reg. No. 3,366,060

Registered Jan. 8, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

ADECCO. BETTER WORK. BETTER LIFE

ADECCO S.A. (SWITZERLAND JOINT STOCK
COMPANY)
CHÂTEAU BONMONT
CH-1275 CHÈSEREX
SWITZERLAND

FOR: COMPUTER SOFTWARE FOR USE IN DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR THE AUTOMATION OF BUSINESS OPERATIONS, INCLUDING PROJECT MANAGEMENT, PERSONNEL MANAGEMENT, PRESENCE MONITORING, ACQUISITIONS, PREPARATION OF EXPENSES REPORTS, MANAGEMENT OF EXTERNAL DEPARTMENTS AND SALES DEPARTMENTS, CUSTOMER SERVICE, PREPARATION OF FINANCIAL REPORTS, ORDER BILLING, PROCUREMENT OF SUPPLIES, MARKETING AND SALES FORECASTS; COMPUTER SOFTWARE FOR USE IN PAYROLL AND ACCOUNTING DATABASE MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: EMPLOYMENT AGENCY SERVICES FOR PART-TIME AND PERMANENT STAFF; CONSULTING IN PERSONNEL MANAGEMENT; SELECTION, RECRUITMENT AND PLACEMENT OF TEMPORARY, CASUAL AND PERMANENT PERSONNEL; REPLACEMENT OF EMPLOYEES BY PLACEMENT OF PERSONNEL; MANAGEMENT CONSULTING IN THE BUSINESS ORGANIZATION AND BUSINESS MANAGEMENT FIELD, EXCLUDING FRANCHISING; PROVIDING INFORMATION, INCLUDING ONLINE, IN THE FIELD OF BUSINESS MANAGEMENT, EXCLUDING FRANCHISING; EMPLOYMENT AGENCY SERVICES, NAMELY PROVIDING AN ONLINE SEARCHABLE DATABASE FEATURING EMPLOYMENT ADVERTISEMENT LISTINGS AND EMPLOYMENT OPPORTUNITY DESCRIPTIONS; OUTSOURCING SERVICES IN THE NATURE OF BUSINESS ASSISTANCE, NAMELY OUTSOURCING SERVICES IN THE FIELDS OF INFORMATION TECHNOLOGY, AND SERVICES OF ENGINEERS AND FINANCE; PROVIDING STATISTICAL INFORMATION FOR BUSINESS PURPOSES; MARKET STUDIES; PAYROLL ACCOUNTING AND PAYROLL BILLING FOR THIRD PARTIES AS WELL AS RELATED CONSULTING SERVICES; DATABASE MANAGEMENT BY MEANS OF COMPUTERS; BUSINESS

MANAGEMENT AND ORGANIZATION CONSULTING, EXCLUDING FRANCHISING; CONSULTING IN BUSINESS RELOCATION, CARRYING OUT PERSONNEL PSYCHOLOGICAL ATTITUDE AND BEHAVIOR TESTING FOR PLACEMENT BUREAUS AND FOR PERSONNEL EVALUATIONS; CARRYING OUT PERSONNEL PSYCHOLOGICAL ATTITUDE TESTING FOR INDIVIDUALS IN THE FIELDS OF OFFICE MANAGEMENT, SECRETARIAL WORK, WORD PROCESSING, DATA ENTRY, INFORMATION SYSTEMS MANAGEMENT, INDUSTRY AND TECHNOLOGY FOR PLACEMENT BUREAUS AND FOR PERSONNEL EVALUATION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: RUNNING WORKSHOPS AND PERSONALIZED SEMINARS, INCLUDING ONLINE, IN THE FIELD OF TECHNIQUES FOR PERSONS LOOKING FOR WORK, NETWORKING, CAREER MANAGEMENT, BUSINESS MANAGEMENT AND MANAGER COACHING; EDUCATIONAL SERVICES, NAMELY, RUNNING TRAINING PROGRAMS IN THE FIELDS OF OFFICE EQUIPMENT AND MANAGEMENT, SECRETARIAL WORK, WORD PROCESSING, DATA ENTRY, AND INFORMATION SYSTEMS MANAGEMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: COMPUTER AND COMPUTER PROGRAMMING CONSULTING, COMPUTER PROGRAMMING FOR THIRD PARTIES, DESIGN AND DEVELOPMENT OF COMPUTERS AND SOFTWARE FOR OTHERS, ALL THE SERVICES EXCLUSIVELY IN RELATION TO HUMAN RESOURCE SERVICES; SERVICES OF ENGINEERS; NAMELY, ENGINEERING SERVICES FOR BUILDING AND PROPERTY CONDITION ASSESSMENT, FACILITY MANAGEMENT, CONSTRUCTION, REPAIR AND RESTORATION, BUILDING INSTRUMENTATION AND MONITORING, AND ENVIRONMENTAL CONSULTING, IN CLASS 42 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 3-1-2006 IS CLAIMED.